3 4 WP(S)4421/01 (3)

BEFORE THE M.P. STATE ADMINISTRATIVE TRIBUNAL BENCH RAIPUR

O.A. NO. 1408 /2001

No...3833.....
Filed today 27/12/01...
by Shri D M Sharma.....

M. P. S... Tribunal,
Bi...

APPLICANT : SHIV KUMAR SHARMA
Son of Late Pt. J.P. Sharma
Asstt. Professor
Deptt. of Hindi
Govt. College, Abhanpur
Distt. Raipur (C.G.)

VERSUS

NON-APPLICANT :

1. State of C.G.
through the Secretary
Department of Higher Education
Govt. of Chhattisgarh,
D.K.S.Bhavan, Raipur

2. Principal
Govt. College, Abhanpur
Distt. Raipur (C.G.)

ORIGINAL APPLICATION UNDER SECTION 19 OF THE M.P. STATE ADMINISTRATIVE TRIBUNAL ACT, 1985

(41)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.4421 OF 2005

Petitioner : Shiv Kumar Sharma

Versus

Respondents : State of C.G. and another

Present : Mr. Maneesh Sharma, counsel for the petitioner.
Mr. V.V.S.Moorthy, Deputy Advocate General with Mr. Ajay Dwivedi, Panel Lawyer for the respondents/State.

ORDER
(Passed on 12th of October, 2006)

The original application was filed before the State Administrative Tribunal, Bench at Raipur, impugning the transfer order dated 26-12-2001 (Annexure A-1), whereby the petitioner, who was working on the post of Assistant Professor at Government College, Abhanpur, District Raipur, was transferred to the Government College, Balodabazar, District Raipur.

2. While admitting the petition, the Tribunal, by its order dated 8-1-2002, granted *status quo* with regard to the posting of the petitioner as on 27-12-2001. Learned counsel for the petitioner submits that by virtue of the interim order, the petitioner is continuing on the same place of posting, i.e., Government College, Abhanpur, District Raipur.

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3. As a matter of fact, the petitioner has got the final relief by way of interim order and the petitioner has been on the same place for more than four years. The petitioner could not continue at one place forever.

4. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matters and this Court can interfere only with the case of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. In the facts and circumstances of the case, it is not necessary to examine validity of the transfer order at this stage. However, the respondents – authorities are directed not to insist on compliance of the impugned transfer order dated 26-12-2001 (Annexure A-1).

5. This petition has become infructuous with the passage of time. Accordingly, the petition is dismissed as having become infructuous. However, the respondents – authorities are at liberty to pass appropriate order for posting the petitioner in public interest and administrative exigency, in accordance with law. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal